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Men without a country

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AN APPEAL TO THE STATESMEN OF CANADA

Be Sure and Read This Pamphlet

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TO THE STATESMEN
OF CANADA

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MEN WITHOUT A COUNTRY.

By Roden Kingsmill.

The Busy Man's Magazine:—When the Canadian land company's agent, following up his beautifully illustrated pamphlets, struck the village of Washington Centre, near Alfred Alfalfa's Kansas farm, Alfred announced that he was going to hitch up, drive in, and see what the man from Canada had to say for himself. Alfred knew that a few thousand Kansas farmers had sold out and gone to "Canaday." He had thought some of doing the same thing himself. Letters from the first adventurers into the Canadian West had been optimistic. The Kansans who had sold their farms loaded the bulk of their implements and household goods on freight trains, and hit the steel trail northward, were all prosperous. They had nothing but jeers for the stay-at-homes who had told them that they would be frozen to death. They had nothing but cheers for the new country.

Alfred saw the Canadian land agent Moreover, he saw samples of Canadian wheat and Canadian roots, and he read copies of testimonials as to the value of the land. Alfred thought there might be something doing. So, in family conclave, thought Mairetta, his wife, and the three six-foot sons. Within two months the farm was sold and the Alfalfas were dwellers in the Canadian West. They had gone into the promised land to-stay, and when, at the end of three years, Alfred and the two boys, who had attained their majority, were advised to take the oath of allegiance and become Canadian citizens, there was little objection.

"Why," said Alfred, "I'm going to live and die in Canada. I want all the rights any other man in the country has. I want to vote and I have been here long enough to know the difference between parties, and I propose to exercise my rights and my judgment, too. Just now there don't seem to be any great issues up and in some sections there ain't any great objections to Americans voting if they're property owners. That's kind o' by favor, I'm told. But I want to be the whole, genuine article. I don't want any favors. I want nothing but my rights."

So Alfred and Cy, and Hank went before the district judge, swore that they had been dwellers in Canada for three years and solemnly promised to bear allegiance to Edward, of Great Britain and Ireland, and the British Dominions Beyond the Seas, King. It was not an oath repugnant to their ingrained Americanism, for there was not as there is in the American naturalization obligation, any specification that that they would divert themselves of "more especially" their former allegiance. An Englishman taking the American oath has to name particularly King Edward; a German, the Kaiser. But the Canadian oath attends strictly to the future, and lets the past look after itself. All of which seems to be the more courteous and satisfactory method of performing the desirable. There are no wrenchings of old memories and inborn affections; there is no suspicion on the part of the newly-made Canadian that he is being made to pay something for his new citizenship.

Alfred and Alfred's sons went their way of prosperity. Like some tens of thousands of Americans who had taken the Canadian naturalization oath before—and some thousands have taken it since—they believe that they had become British subjects. They told American newcomers that they had changed their flag with their home and they advised the new arrivals to do the same thing. They felt just about as comfortable as British subjects, they said, as when they bore allegiance to Uncle Sam.

But, though they believed that they were British subjects, they were and are, nothing of the kind. Not one of the thousands of Americans who have taken the Canadian naturalization oath is a British subject. Nor, are the Germans, the Icelanders, the Galicians or any other alien newcomers to Canadian soil. They think they are as fully British subjects as the native-born Canadian, or Scotchman, or Irishman, or Englishman. They are not. All that Canada has given them is the right to vote in Canada, to serve on juries, or in the volunteers, to sit in the Canadian Parliament or the Provincial Legislatures, and to enter those professions which no outlander can join.

Canada has not enfranchised these aliens under false pretence. Neither are the British Ministers of the Crown greatly to blame. When the question of Empire-wide naturalization first came up at the Colonial Conference, Mr. Joseph Chamberlain promised to do his best to secure a change in the Imperial regulations. But illness brought about the great Commoner's retirement. Alfred Lyttelton, his successor, envinced slight interest in the question. Then, four years ago, Campbell-Bannerman Government came in and at the Imperial Conference of 1908, the Canadian Prime Minister brought the question up again. Herbert Gladstone, the Home Secretary, promised to give the matter his attention. But a general election began to loom on the political horizon, and minor matters were disregarded.

Under the English naturalization law, an alien must reside in Great Britain for five years before he can take an oath. And he cannot take it unless he swears that he intends to live in Great Britian. Of course, he may travel as much as he likes, and everywhere he travels the British flag will protect him; the British Ambassador ,if he gets into trouble in a foreign country, will see to it that he gets justice and a fair trial; the British Consuls are at his service in all matters of trade and commerce. He is as much an Englishman as if he were a descendant of one of the Conquerer's reivers and had been born a royal duke. He is in all respects the genuine article. In fact, Great Britain rather makes a point of looking after her naturalized subjects. There was the famous Don Pacifico case in the middle of the last century. Don Pacifico, although he carried a Spanish style, was really a Portuguese Jew, who had become naturalized. He was about as crooked as they made them, according to all accounts, but, when a Greek mob handled him during a Greek church festival, the father of the same Mr. Gladstone of whom we have been hearing, nearly brought about war between England and Greece just because the Don was a naturalized Britisher.

And the system has not been changed. In last year's British Government accounts there is a curious little item among the unclaimed moneys standing to the credit of private citizens. It reads thus:

"Unclaimed account of Manuel Costelli. Paid by Venezuelan Government $500."

Costelli was a naturalized Spaniard who had lived in London for a good many years. Business took him to Caracas where — Spaniard's are not so awfully popular in Venezuela—he was beaten up in some sort of anti-Spanish row in a club. He died, and, so far as the British authorities could find out, he had no heirs. But the British Government demanded reparation and they got it—twenty-five hundred dollars' worth. Now there is no claimant to the money.

So that is the way Great Britain looks after her naturalized citizens. But they are not citizens naturalized by Canada or Australia or anybody, but the officers of the British Secretary of State. And it works the other way. A German for instance, who has taken out his papers in Canada, might be seized on his return to Berlin and forced to fill out his time in the German army. The British Ambassador, if he were appealed to, could do nothing.

The man is not, says the British Government, a British subject.

Two years ago a naturalized Canadian—a former American—and his wife, were severely injured by being knocked down by a motor car, near the Place de la Concorde, in Paris. Now, under French law, aliens who wish to sue French citizens must first communicate with their ambassador. This is to prevent blackmailers and other crooks getting up fake claims. This, gentleman, after his recovery, went to the British Embassy with his French lawyer, saw the chief secretary, was received most courteously, got the necessary certificate and was leaving when he happened to mention that he was a former American who had taken the oath in Canada. Whereupon there was a hurry call for the legal functionary attached to the Embassy, a whispered colloquy between the secretary and the eminent lawyer, and then,

"Very sorry y' know," said the secretary, "but I'm afraid we can't do anything for you. Fact is, Downing Street doesn't recognize colonial naturalization."

"But where am I to go?" demanded the amazed American-Canadian.

"'Fraid I can't tell you that. Why not try the American Embassy?"

"But I'm not an American now. I've taken the Canadian oath."

"Quite so, but not the British oath. I'm sorry, but you have really no standing here."

Which, of course, settled it. Our American-Canadian friend, who lives in Toronto, is a wealthy man. He was in no want of money, but he is a boony fighter, and he did want to punish the owner of that motor car. He couldn't. He was, in so far as international law was concerned, a man without a country.

Which was just what Herbert Gladstone said at that Colonial Conference. Here are his words:

"Even if a man in the colonies is naturalized in that colony, he cannot qualify if he comes to the mother country until he has resided here for five years. So that his colonial connection is really a disqualification for five years during which he cannot become a British subject."

So far as England is concerned, the liberality of her naturalization law is of comparatively modern growth. Until 1870 the practice with regard to subjects naturalized abroad was based upon the principles of the indelibility of natural allegiance and of liberty of emigration. Everyone was free to leave his country, but whatever form he went through elsewhere and whatever his intention to change his nationality, he still remained an Englishman in the eye of the law. Therefore, wherever English law could run he had the privileges and was liable to the obligations imposed by them; if he returned to a British country he was not under the disabilities of an alien and he was not entitled to the protection of his adopted country. On the other hand, so long as he stayed within foreign jurisdiction he was bound by his own professions. At the beginning of the last century the assertion of the doctrine of the indelibility of allegiance was little else than nominal. It has become an anachronism and its consistent practical assertion was impossible. It was opposed to the fundamental and essential idea, according to modern public laws, that an individual can be a citizen of but one country, and can have but a single nationality at a time. He ceases to be a citizen of the Mother Country the moment he is naturalized to another and whether or not he has been naturalized is a question determined by local law, and from this decision there is no appeal. In 1868 a committee was appointed to report upon what alterations ought to be made in the naturalization laws, and in 1870 an act was passed by the Imperial Parliament, which provided that a subject becoming naturalized in a foreign state shall lose his British national character and which makes liberal provision for the natural-

ization in the United Kingdom of aliens or foreigners. The doctrine of the right of expatriatic was thus embodied in the statutory law in the land and the right of an individual "who does not owe any debt and is not guilty of any crime" to leave the place of his birth and to adopt another citizenship or national character, was formally conceded by most civilized states.

A citizen in the largest sense is a native or naturalized person who is entitled to full protection in the exercise and enjoyment of the so-called private rights, and citizenship is the term now generally employed to describe the political relationship which exists between an individual and the sovereign state to which he owes allegiance. A native of natural born citizen has a distinct advantage over a naturalized citizen in that the citizenship of the native must be recognized in all parts of the Empire, while the acquired citizenship of the alien or foreigners is distinctly local in character. In time and place the disabilities a naturalized citizen is under, may seem more sentimental than real, but at any time international complications may arise which will make it of the utmost importance to naturalized Canadians to be entitled to the fullest privileges of British citizenship. The tendency of legal development is to abolish all differences between aliens and citizens or subjects, yet there are a few special privileges to which subjects are entitled. No alien has any legal remedy in respect to any act of state. He will not be heard in an English court of law to complain of the acts of English Government. Whatever grievance he has, he must take it with him to his own country, where, by way of diplomatic action, he may obtain redress. He has the protection of the law of England against all private persons who do him injury, but between him and the servant of the Crown the laws are silent. A British subject, on the other hand, whether in the realm or out of it, has the same defence against acts of state as against those of private persons. No alien can own a British ship or any share of one, nor can any alien take advantage of any statute with his expressly or by application limited to British subjects.

More and more frequently the Europeans who have come to Canada have been naturalized and have made good, will re-visit their native land. In all of these countries conscription is in force. In many of them, decent civil law is unknown. The naturalized Canadian will be at the mercy of any official crook or blackmailer who can trump up a charge against him. He might as well be a Siamese or a Burman as long as his international rights are concerned. He would a long way better be a Chinaman. China looks after her traveling citizens pretty well.

The former American is in the worst hole of all if he goes abroad. He is used to utilizing the services of American Consuls as a right. If he is accorded the services of a British consul it is as a courtesy. But he may once in a while profit by his nominal British enfranchisement, as Billy Reynolds profits in Alaska. By the American law an alien cannot stake claims in that territory. Billy, an American born had lived for a few years in the Canadian West. He took the Canadian oath, but, when the hard times followed, the partial crop failure in 1907, he pulled up stakes and started for Alaska. He knew something about placer mining for he had washed out many a pan in Nevada and Colorado. Up in the northwest corner of the continent he struck his golden grains, struck them so rich that he hustled to Juneau and entered his claim. He saw before him a fortune that could march along beside the Guggenheims. But there was trouble ahead. A certain shyster lawyer heard that Billy had come up from Canada. He lodged a caveat against the recording of the claim on the ground that Billy, being a British subject, was incompetent to exercise a miner's proprietary rights in an American territory.

But there were other lawyers, and to one of them Billy sped hot-foot. He told his story and his counsellor, an

eastern Canadian, who had become an American citizen, put him through a cross-examination as to his antecedents. When it came to the part where his Canadian naturalization came in, the lawyer threw up his hands.

"Why," he said, "you're as good an American as the judge himself. That Canadian naturalization doesn't amount to shucks. Keep your mouth shut and I'll show you."

The judge saw the point—although he had never heard of it before—when the lawyer produced authorities borrowed from the Territorial Secretary's library. When Great Britain said that Billy was none of hers, of course Billy reverted to his former status as an American citizen. And he got his mine and made a fortune—cruiser yacht, country estate size.

But Alfred Alfalfa and the thousands of Alfred Alfalfas in Canada are not in the same happy position. They are not what they thought they were—which is quite another thing. A return furnished by the Ottawa Department of State shows that in the last six years 24,702 aliens have been naturalized in Canada. As the three years' residence is necessary and as American immigration has grown five times as fast, almost as the foreign, there must be quite 40,000 Americans in Canada who will be naturalixed within the next two years.

Still Alfred Alfalfa is not alone in being proprietor of a second-class citizenship. He has belted knights with him. In his company are Sir William Van Horne and Sir Thomas Shaughnessy, no less! Wouldn't a mummy grin to hear that a man could be singled out by the King for the accolade and yet could be held by the King's Imperial Ministers to be an alien and no British subject?

Further, there are in the Canadian House of Commons naturalized Americans. They are to be found in the Legislatures of the Prairie Provinces. They can make laws in a British Legislature, but the head office in London has not yet carried out the instructions of its former chief, Herbert Gladstone, and submitted an Empire-naturalization measure. The new Home Secretary will have a clean slate. He should make a memorandum thereon—"Naturalization"—and underscore it with three thick strokes.

Men Without a Country

(From the Berlin News Record.)

Mr. G. J. Reiner of Wellesley, who is much interested in the movement to remove the disability under which naturalized citizens rest, informs us that as long ago as 1866 an effort was made to have a naturalized citizen given the same status as a native subject, but that the authorities of that day shrugged their shoulders and remarked: "The heads of families who have immigrated to Canada will soon die and their children will not need naturalization papers." Those who made those speeches must have had a poor opinion of Canada's future.

The Dominion is attracting people from many quarters of the globe. Canada wants them to become good Canadians and to have the full protection of the British flag when they travel abroad.

When a naturalized citizen applies for a passport, his papers read as follows: "This certificate is granted with the qualification that the said John Smith is only entitled, beyond the limits of the Dominion of Canada, as a matter of courtesy, to the general good offices and assistance of His Majesty's representatives abroad." This is no protection at all.

Contrast that clause with the following which appears in every passport issued to a native born: "It is requested in the name of His Britannic Majesty, all those whom it may concern to allow John Smith, a British subject travelling in foreign parts, to pass freely, and to afford every assistance and protection of which he may stand in need."

In our opinion, the electors of Canada should remove the existing disability because it is fair and right to do so and as a mark of appreciation of the sturdy people who are settling in Canada and helping us to make it a great country. One third of Canada's population is said to be of foreign birth.

To The Statemen Of Canada.

Wellesley, Ont., November, 1911.

Hon. Sirs:—

"We the People interested consider the time has come when our government has a perfect right to request of the British Government that it have this injustice rectified. If not, then it is time to say: Canada for Canada. How could the Imperial parliament and our government expect in case of trouble of any kind that such a large number of people could or would be true and loyal under the present circumstances? Since they are not considered as good as the native born of this country when outside of British territory ?

Therefore our present Ministry should lose no time but make this question one of the first to lay before the Imperial Government,and have this wrong righted at once. I am aware that there are only a few people in Canada who are familiar with this injustice. My aim is to make it known as widely as possible. I am eighty years old, a naturalized citizen and have lived sixty years in this country.

Yours respectfully

J. G. REINER

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Men without a country

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